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IN THE

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Hsu et al.
APP. NO.: 09/896,255 ✓
FILED: June 28, 2001
TITLE: System And Method For Efficiently Performing
A Data Encryption Operation
EXAMINER: Tran, E.
ART UNIT: 2134
ATTY DKT NO: 50P4299.01/1575

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date printed below:

Date: 8/4/07

Gregory J. Koerner

Response To Notification Of Non-Compliant Appeal Brief

Mail Stop Appeal
Commissioner for Patents
P.O Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This Response is being submitted by Applicants in response to the
Notification of Non-Compliant Appeal Brief mailed July 6, 2007.

Remarks

Applicants submit this Response in accordance with specific telephonic instructions from the Patent Appeal Center of the U.S. Patent & Trademark Office in order to clarify certain issues specified in the Notification of Non-Compliant Appeal Brief mailed on July 6, 2007. In particular, the Notification of Non-Compliant Appeal Brief states that “[c]laim 1 in the “Claims Appendix” of the brief is not consistent as amended in the Amendment filed September 29, 2005, specifically the term “registers” in line 12.” The Notification of Non-Compliant Appeal Brief further states that “[i]t is not clear if the term “registers” is added or deleted in the Amendment filed September 29, 2005.”

In Response, Applicants affirmatively and expressly confirm that independent claim 1 in the Claims Appendix of the Appeal Brief filed on October 2, 2006 is correct as initially filed. Applicants therefore submit that no substitute Appeal Brief is required because any substitute Appeal Brief would be identical to the originally-filed Appeal Brief.

In the Amendment filed September 29, 2005, amended claim 1 included a typographical error in which the word “registers” had both underlining and strikethrough. Apparently the Examiner failed to notice this inadvertent and unintentional error, because the Examiner then issued a Final Office Action (without mentioning the typographical error), the finality of which Applicants have since appealed. In light of the typographical error in the Amendment of September 29, 2005, the Patent Appeal Center has therefore issued the current Notification of Non-Compliant Appeal Brief, requesting clarification.

In accordance with the instructions from the Patent Appeal Center, Applicants herewith include below a corrected version of the amended claim 1 from the Amendment filed September 29, 2005 with the typographical error removed. Applicants' intention to add (and not delete) the term "registers" is clearly shown since the term "registers" is part of the limitation "said control registers" (emphasis added) which is initially introduced in line 5 of claim 1, and is also recited with correct antecedence in line 8 of claim 1. No instance of the term "registers" standing alone is found anywhere in claim 1.

1. (Currently Amended) An apparatus for performing a data encryption operation in an electronic system, comprising:
 - a processor coupled to said electronic system ~~[[for]],~~ said processor creating an encryption structure in a memory device, said processor also selectively programming control registers ~~to thereby facilitate efficiently performing to perform~~ to perform said data encryption operation;
 - a DMA engine coupled to said processor ~~[[for]],~~ said DMA engine accessing said encryption structure and said control registers ~~to thereby control said data encryption operation; and,~~ said DMA engine including an encryption module coupled to said DMA engine that utilizes command information from said encryption structure and control information from said control registers for processing to process source data to produce destination data during said data encryption operation.

For all of the foregoing reasons, Applicants submit that present Response adequately clarifies the status of claim language in claim 1, as referred to in the

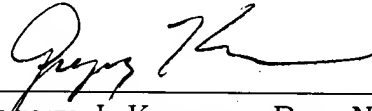
present Notification of Non-Compliant Appeal Brief. In particular, Applicants state that the term "registers" in line 12 of claim 1 should be included in claim 1, as initially and correctly shown in the Claims Appendix of the Appeal Brief filed on October 2, 2006. Applicants therefore request the USPTO to consider the originally-filed Appeal Brief from October 2, 2006 in a timely manner.

Respectfully submitted,

Date: _____

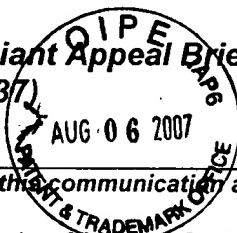
8/4/07

By: _____



Gregory J. Koerner, Reg. No. 38,519
Redwood Patent Law
1291 East Hillsdale Blvd., Suite 205
Foster City, CA 94404
Tel: (650) 358-4000

Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)



Application No.

09/896,255

Applicant(s)

HSU ET AL.

Examiner

Tran, E

Art Unit

2134

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 02 October 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

Claim 1 in the "Claims Appendix" of the brief is not consistent as amended in the Amendment filed September 29, 2005, specifically the term "registers" in line 12. Note: It is not clear if the term "registers" is added or deleted in the Amendment filed September 29, 2005.


T. S. JOHNSON
PATENT APPEAL CENTER MANAGER

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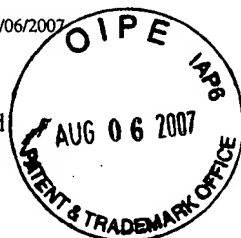
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09/896,255	06/28/2001	Sherry Chu-Hsin Hsu	50P4299.01/1575	9177

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Gregory J. Koerner
Redwood Patent Law
1291 East Hillsdale Boulevard
Suite 205
Foster City, CA 94404



EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 07/06/2007

Please find below and/or attached an Office communication concerning this application or proceeding.